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10 Entered on Docket
11 October 06, 2009

Mike K. Nakagawa

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

10 **UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA**

11 In re:) Case No.: 09-23702-mkn
12)
13 Jason and Maya Owens,) Chapter 13
14)
15 Debtors.) Hearing Date: September 10, 2009
) Hearing Time: 3:30 p.m.

16 **ORDER GRANTING MOTION TO VALUE COLLATERAL,
17 “CRAM DOWN” AND MODIFY RIGHTS OF LENDER**

18 Upon the motion (the “Motion”) of Jason and Maya Owens, the Debtors in the above
19 captioned proceeding (the “Debtor”), for their home located 2024 South Baldwin Unit 48, Mesa,
20 AZ 89052 (“Subject Property”), requesting entry of an order to Value Collateral, “Cram Down”
21 and Modify Rights of Americas Servicing Company (the “Mortgage”) pursuant to 11 U.S.C. §
22 506(a) and § 1322;¹ and due notice of the Motion and the hearing of the Motion having been
23 given to all parties entitled thereto; and a hearing having been held before this Court on
24 September 10, 2009 (the “Hearing”), to consider approval of the Motion, at which time all
25 parties in interest were afforded an opportunity to be heard; and the Court finding that the
26 property has a value of

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32 1 Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion

1 \$95,000.00; and because there are no objections to the Motion having been filed; it is hereby:

2 **ORDERED** that the Motion is **GRANTED**; it is further

3 **ORDERED** that the unsecured portion of the Americas Servicing Company claim is
4 reduced and shall be treated "general unsecured claim" in the amount of \$29,530.00, pursuant to
5 11 U.S.C. Section 506(a); and it is further

6 **ORDERED** that the unsecured portion of Americas Servicing Company claims be
7 reclassified as general unsecured claims to be paid pro rata with other general unsecured
8 creditors through the Debtor's Chapter 13 plan; and it is further

9 **ORDERED** that Americas Servicing Company secured rights and/or lien-holder rights in
10 the Subject Property are hereby modified as set forth above and reduced to \$95,000.00; and it is
11 further

12 **ORDERED** that the Debtors must complete the Chapter 13 plan and receive a discharge
13 or the lien may be reinstated; and it is further

14 **ORDERED** that as provided by Fed. R. Bankr. P. 7062, this Order shall be effective and
15 enforceable immediately upon entry.

16 Submitted by:

17 The Schwartz Law Firm, Inc.

18 By /s/ Sean McClenahan

19 Sean McClenahan #10141

20 Attorneys for Debtor



21 Kathleen Levitt
22 Chapter 13 Trustee

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2 **SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021**

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4 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

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6 The court has waived the requirement of approval under LR 9021.

7 No parties appeared or filed written objections, and there is no trustee appointed in the case.

8 I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any

9 unrepresented parties who appeared at the hearing, and any trustee appointed in this case and

10 each has approved or disapproved the order, or failed to respond, as indicated below [list each

11 party and whether the party has approved, disapproved, or failed to respond to the document]:

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13 APPROVED: *Kathleen Levitt*

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15 DISAPPROVED:

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17 FAILED TO RESPOND:

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